

REMARKS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

After entry of the foregoing amendment, Claims 11 and 14-16 remain pending in the Application. Claims 1-10 and 12-13 have been canceled without disclaimer, or prejudice, in continuing the prosecution of these claims in a continuation application. Claim 11 has been placed in independent form. As the rewriting of Claim 11 has simply been to address a cosmetic matter of form (to incorporate the limitations of the base claim), it is respectfully submitted that the scope of this claim has not been narrowed.¹ Likewise, some elements of Claim 11 have been changed to recite non-mean-plus-function terminology to broaden the range of available equivalents for these elements. New Claims 14-16 have been added. Support for new Claims 14-16 can be found at least in the Application and drawings as originally filed. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1, 3-6 and 9 stand rejected under 35 U.S.C. § 102 as being unpatentable over Brush, II et al. (U.S. Patent No. 6,366,285, hereinafter Brush); Claims 2 and 7 stand rejected under 35 U.S.C. § 103 as being unpatentable over Brush in view of Roseborough et al. (U.S. Patent No. 6,141,019, hereinafter Roseborough); and Claims 10, 12 and 13 stand rejected under 35 U.S.C. § 103 as being unpatentable over Brush in view of Griffiths et al. (U.S. Patent No. 6,286,045, hereinafter Griffiths). Claim 11 is objected to as being dependent upon a rejected base claim, but is indicated as otherwise allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims.

¹ This comment is made in view of the recent Festo decision, which may limit the availability of the Doctrine of Equivalents, for narrowing Amendments for patentability reasons.

As Claims 1-10 and 12-13 have been canceled, Applicant respectfully submits that the rejection of these claims, as outlined in paragraphs 4-16 of the Official Action, have been rendered moot.

Applicant appreciatively acknowledge the identification of allowable subject matter in Claim 11. As Claim 11 has been written in independent form, incorporating all of the limitations of the base claim, Claim 11 is believed to be in formal condition for allowance.

NEW CLAIMS

Claims 14-16 recite substantially similar limitations to that of Claim 11. New Claim 16 presents Applicant's invention in a format which does not invoke 35 U.S.C. § 112, 6th paragraph (means-plus-function format). Accordingly, Applicant respectfully submits that Claims 14-16 are likewise allowable over the art of record.

CONCLUSION

If the Examiner believes any additional formal matters need to be addressed in order to place this Application in condition for allowance, the Examiner is respectfully requested to contact the undersigned by telephone at the Examiner's convenience.

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 11 and 14-16, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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